

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/598,256
Applicant(s) : JEURISSEN et al.
Filed : 8/23/2006
TC/A.U. : 2889
Confirmation : 2036
Examiner : PATEL, Ashok
Atty. Docket : NL040212US1
Title: **FLUORESCENT LAMP AND METHOD FOR MANUFACTURING THE SAME**

Pre-Appeal Brief Request for Review

Mail Stop **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office action of 14 April 2009, the applicants request review of the final rejection in the above referenced application. No amendments are being filed with this request. This paper is being filed with a notice of appeal.

Status of claims:

Claims 1-3 and 5-8 stand rejected under 35 U.S.C. 102(b) over Evans et al. (USP 3,602,759, hereinafter Evans).

Claims 4 and 9-12 stand rejected under 35 U.S.C. 103(a) over Evans.

This review is requested for the reasons stated on the attached sheets.

REMARKS

Clear errors in the examiner's rejections:

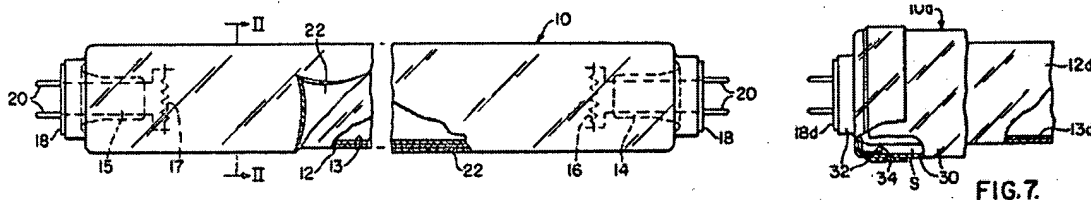
Claims 1-4 and 11-12

The Examiner mischaracterizes Evans' elements, and consequently fails to identify where Evans teaches a fluorescent lamp having two pole wires connected to plug pins of an end cap, wherein the end cap is at least substantially made of a shrink material, as specifically claimed in claim 1, upon which claims 2-4 and 11-12 depend.

Evans teaches a fluorescent lamp having plug pins 20 in end caps 18:

"Suitable base members 18 are secured to the sealed ends of the envelope and carry terminals 20 that are connected to the respective lead wires." (Evans, column 2, lines 47-50.)

Evans' FIGs. 1 and 7 are illustrated below.



Evans does not teach or suggest that the end cap 18 that contains the plug pins 20 is made of shrink material, as claimed by the applicants.

In FIG. 7, Evans teaches an end cap 18d, and a sleeve 32 of heat shrink material that seals an outer jacket 30 to the end cap 18d:

"each sleeve 32 overlaps and is shrunk down onto the underlying end of the jacket 30 and onto a suitable spacing member 34 and the adjacent body portion of the base member 18d located at the respective ends of the lamp."

In the rejection of claim 1, the Examiner asserts that Evans' sleeve 32 corresponds to the claimed end cap. This assertion is incorrect. The applicants specifically claim "two pole wires connected to plug pins of an end cap". As is clear from each of Evans' figures, and as specifically taught by Evans, the base members 18 carry the plug pins 20, and thus correspond to the claimed end cap.

The claimed plug pins are part of the claimed end cap. Evans' plug pins 20 are not part of the sleeve 32; accordingly, Evans' sleeve 32 cannot be said to correspond to the claimed end cap.

Because Evans' sleeve 32 does not correspond to an end cap that includes two plug pins, as asserted by the Examiner, the applicants respectfully maintain that the rejection of claims 1-4 and 11-12 under 35 U.S.C. 102(b) or 103(a) over Evans is unfounded, and should be withdrawn.

The examiner's omissions of one or more essential elements needed for a prima facie rejection:

Claims 5-10

The Examiner fails to identify where Evans teaches connecting two pole wires of the electrode that are held in position by the stem of a glass discharge vessel to plug pins of an end cap and fixing the end cap to the end portion of the glass discharge vessel by shrinking the end cap, as specifically claimed in claim 5, upon which claims 6-10 depend.

The Examiner asserts that an artisan creating Evans' lamp would necessarily perform the applicants' claimed method. This assertion is incorrect. Evans specifically teaches adding a protective sleeve to a conventional fluorescent lamp:

"It is accordingly the general object of the present invention to provide a convenient and inexpensive means for improving the ruggedness, performance and versatility of electric lamps and similar devices having envelopes of vitreous or other frangible material.

A more specific object is the provision of an improved fluorescent lamp which is protectively enclosed by a structure that forms an integral part of the lamp and can be conveniently and inexpensively placed on the lamp after it has been fabricated.

Another object is the provision of an electric lamp having an inexpensive enclosure that modifies the color or optical characteristics of the light produced by the lamp and protects the lamp envelope.

A further object is the provision of a cheap light-modifying and protective component that can be slipped over and attached to the envelope of a fabricated fluorescent lamp or similar device quickly and on a mass production basis.

Another object is the provision of a method for attaching a component to a previously fabricated fluorescent lamp or similar electrical device without impairing its light output." (Evans, column 1, lines 33-54.)

Evans' end cap 18 with pins 20 are attached to the lamp envelope 12 before the shrink sleeve 32 is shrunk to attach the protective sleeve 30 to the end cap 18. Accordingly, Evans cannot be said to teach fixing the end cap to the end portion of the glass discharge vessel by shrinking the end cap, as asserted by the Examiner.

Because Evans does not teach fixing an end cap that includes plug pins to an end portion of a glass discharge vessel by shrinking the end cap, the applicants respectfully maintain that the rejection of claims 5-10 under 35 U.S.C. 102(b) or 103(a) over Evans is unfounded, and should be withdrawn.

CONCLUSION

Because the Examiner mischaracterizes Evans' sleeve 32 as an end cap that includes plug pins, and because the Examiner fails to identify where Evans teaches fixing an end cap that includes plug pins to an end portion of a glass discharge vessel by shrinking the end cap, the applicants respectfully maintain that the Examiner's rejection includes clear errors, and the Examiner has omitted essential elements needed for a prima facie rejection. Accordingly, the final rejection should be withdrawn, and the claims allowed to pass to issue.

Respectfully submitted,

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